



Proceedings and Discovery Related to Each Counterclaim (Docket No. 66), the Response of Defendant and Counterclaim-Plaintiff Emerge Medical, Inc. (“Emerge”) (Docket No. 72), and Synthes’s Reply Brief (Docket No. 79), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Synthes’s Motion to Dismiss Emerge’s Abuse of Process counterclaim is **DENIED AS MOOT** in light of Emerge’s representation that no such counterclaim exists;
2. Synthes’s Motion to Strike certain allegations from the Counterclaim Complaint is **DENIED**;
3. Synthes’s Motion to Dismiss Counts IV, V, and VI of the Counterclaim Complaint is **GRANTED** and these claims are **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.